

**REMARKS/ARGUMENTS**

Claims 1, 3, 4, and 6-12 are pending in the present application. Claims 1, 3, 4, and 6-12 have been rejected. Claims 1, 7, and 10 have been amended. Claims 14-16 have been newly added. No new matter has been added.

Claim 1 has been provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 2 of co-pending application number 09/810352. Applicants have amended claim 1, thereby obviating the rejection of this claim. Therefore, withdrawal of the rejection of claim 1 under 35 U.S.C. § 101 is respectfully requested.

Claims 1, 3, and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Buell (U.S. Patent No. 5,768,079) in view of Krolski (U.S. Patent No. 3,558,985). Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Buell in view of Krolski and Goldsborough (U.S. Patent No. 2,320,861). Claims 7-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Buell in view of Goldsborough. It is respectfully submitted that claims 1, 3, 4, and 6-12 are allowable over the art of record for the reasons set forth below.

Independent claims 1, 7, and 10 have been amended to include the features of "if only one fault is determined, then monitoring the fault to determine if the fault evolves into another phase, and if so, opening all three phases of the recloser." In other words, if only one fault is detected during the monitoring, subsequent monitoring will be engaged to determine if the fault evolves into another phase. If the fault does evolve to another phase, then all three phases of the recloser are opened. (See application, as originally filed, page 9, lines 24-27) None of the prior art, taken alone or in combination, discloses or suggests such a feature.

Buell merely describes fault detection in a power distribution system that services both single phase loads and three phase loads. Buell is able to distinguish gradual changes in phase current due to ordinary current fluctuations from more substantial changes due to a fault. However, after detecting a single phase fault, Buell does not monitor the fault to determine if the fault evolves into another phase, and if so, opening all three phases of a recloser, as required by the present invention.

Krolski merely describes a recloser and an overcurrent sensor for detecting when a predetermined overcurrent is detected in one or more of three phases. However, Krolski does

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not monitor a single phase fault to determine if the fault evolves into another phase, and if so, opening all three phases of a recloser, as required by the present invention.

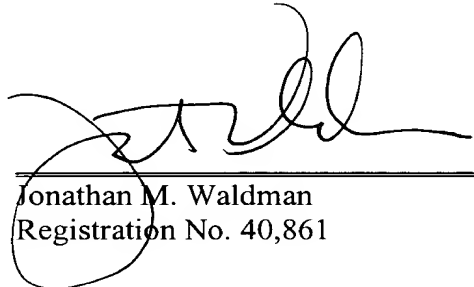
Goldsborough describes detection of a single ground fault, with subsequent tripping of the ground fault tripping circuit in the phase which failed. If there is a phase to phase fault, or if there is a fault involving more than one line conductor, all three phase fault tripping circuits are energized. However, Goldsborough does not monitor a single phase fault to determine if the fault evolves into another phase, and if so, opening all three phases of a recloser, as required by the present invention.

Based on the foregoing, claims 1, 7, and 10 and all claims dependent therefrom, including claims 3, 4, 6, 8, 9, 11, and 12, should not be variously rejected as being unpatentable in view of Buell, Krolski, and Goldsborough, taken alone or in combination. Therefore, withdrawal of the various rejections of claims 1, 3, 4, and 6-12 under 35 U.S.C. § 103(a) is respectfully requested.

Applicants have added new claims 14-16. Basis for claims 14-16 is found in the application, as originally filed, at page 9, lines 19-21. No new matter has been added.

In view of the foregoing amendments and remarks, Applicants submit that the above-identified application is in condition for allowance. Early notification to this effect is respectfully requested.

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